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KMART CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

MICHAEL GILHULY, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

KMART CORPORATION, and DOES 1
through 100, inclusive,

Defendants.

Case No. 4:10-cv-0360-PJH (DMR)

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER CONTINUING SUBMISSION
DATE FOR JOINT LETTER BRIEF RE
DISCOVERY DISPUTE**

Pursuant to Civil Local Rule 6-2 of the United States District Court for the Northern District of California, Plaintiff Michael Gilhuly ("Gilhuly") and Defendant Kmart Corporation ("Kmart"), by and through their respective counsel, hereby stipulate and agree to the following:

On April 13, 2011, Plaintiff Gilhuly filed before the Honorable Phyllis J. Hamilton, a Motion to Compel Further Responses to Plaintiff's Special Interrogatories (Set One) and Request for Production (Set One) ("Motion to Compel"), with a June 22, 2011 noticed hearing date. (Docket no. 30). On April 20, 2011, Judge Hamilton issued an Order referring the case to a Magistrate Judge for discovery purposes; the case was thereafter assigned to the Honorable Magistrate Judge Donna M. Ryu. (Docket no. 32). On April 21, 2011 Plaintiff re-noticed the

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**STIPULATION AND [PROPOSED] ORDER
CONTINUING SUBMISSION OF LETTER
BRIEF RE DISCOVERY DISPUTE**

IT IS SO ORDERED.

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The Honorable Donna M. Ryu
United States Magistrate Judge